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EXAMINER

HUTTON JR, WILLIAM D

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/820,448

**Applicant(s)**

BENNETT, PAUL W.

**Examiner**

Doug Hutton

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004 and 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15-25 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-13,15-25 and 27-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### ***Applicant's Response***

In Applicant's Responses dated 5 November 2004 and 3 January 2005, Applicant submitted a Terminal Disclaimer, amended Claims 1, 4-6, 11-13, 16-18, 23-25, 28-30, 35 and 36, cancelled Claims 2, 14 and 26, and argued against all objections and rejections previously set forth in the Office Action dated 2 July 2004.

The objections to the Abstract, Drawings and Claims are withdrawn. The prior art rejections based on 35 U.S.C. 102 and 103 are withdrawn.

### ***Nonstatutory Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3-13, 15-25 and 27-36 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-42 of U.S. Patent No. 6,742,162. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a "subtotal function" for the purpose of organizing the entry fields into "monthly" and "yearly" totals.

The Terminal Disclaimer filed on 3 January 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,742,162 has been reviewed and is NOT accepted because:

The disclaimer fee in accordance with 37 CFR 1.20(d) has not been submitted, nor is there any authorization in the application file to charge a specified Deposit Account or credit card.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 9-13, 15-19, 21-25, 26-31 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wisniewski, U.S. Patent No. 6,460,059, in view of the admitted prior art (Admission).

*Claim 1:*

Wisniewski discloses a method (see Figures 1-17; see Column 1, Line 1 through Column 10, Line 29), comprising:

- entering a plurality of numeric values in a plurality of number fields, wherein the plurality of number fields are displayed in columnar format on a display screen in a first column, wherein the numeric values comprise a mathematical formula, and wherein the mathematical formula includes a subtotal function (see Figure 5 – “numeric values” were entered into “number fields” b2-b10, which are in “first column” b; b6 includes a “mathematical formula” that is a “subtotal function”);
- entering a set of one or more mathematical operators in one or more operation fields, wherein the operation fields are displayed in columnar format on the display screen (“mathematical operators” were entered into fields b4, b6, b9 and b10 and displayed in a “columnar format”), wherein the first column comprises a first column label (the “first column label” is JUN in b1), wherein the first column label substantially spans at least a width of the plurality of number fields (the JUN label spans the width of first column b); and
- automatically calculating a first result of the mathematical formula, wherein the automatically calculating the first result of the mathematical formula comprises automatically calculating a subtotal of a plurality of the numeric values in a

plurality of number fields preceding the number field in which the mathematical formula was entered (the “first result” is automatically calculated in field b6; the “first result” is a “subtotal” of the “numeric values” in the “numeric fields preceding the number field in which the mathematical formula was entered”);

- automatically calculating a second result by applying the mathematical operators to the first result and the numeric values other than the at least one mathematical formula (the “second result” is automatically calculated in field b10; the “second result” is calculated “by applying the mathematical operators to the first result and the numeric values other than the at least one mathematical formula” in that the “mathematical operators” in field b10 are applied to the “first result” calculated in field b6 and to the “other numeric values” in fields b7 and b8); and
- displaying the second result on the display screen (the “second result” is displayed in field b10).

Wisniewski fails to expressly disclose a method, comprising:

- operation fields displayed **alongside** the plurality of number fields in the first column; and
- a first column label substantially spanning at least a **combined** width of the plurality of number fields **and the one or more operation fields**.

Admission teaches a method (see Figure 1 in Drawings; see Specification – Page 1, Line 15 through Page 2, Line 28), comprising:

- operation fields displayed **alongside** a plurality of number fields in a first column (see Figure 1 – the number fields and operation fields are entered and displayed in adjacent columns),

for the purpose of displaying a mathematical formula in a vertical sequence, which is intuitive to users because that is how users write mathematical formulas on paper (see Specification – Page 1, Line 25 through Page 2, Line 7).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Wisniewski, to include operation fields displayed **alongside** the plurality of number fields in the first column for the purpose of displaying a mathematical formula in a vertical sequence, which is intuitive to users because that is how users write mathematical formulas on paper, as taught by Admission.

Wisniewski, in view of Admission, fails to expressly disclose a first column label substantially spanning at least a **combined** width of the plurality of number fields **and the one or more operation fields**. However, at the time the invention was made, it would have been obvious to a person having ordinary skill in the art to include a column label spanning a combined width of multiple columns for the purpose of properly identifying a set of related columns. For example, a spreadsheet could have included the total sales for each quarter of the year 1999 in the plurality of regions in the United States and identified the numeric values in the plurality of columns as such with a single header over the related columns, as shown in Figure 3 of Applicant's Drawings.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Wisniewski, in view of Admission, to include a first column label substantially spanning at least a **combined** width of the plurality of number fields **and the one or more operation fields** for the purpose of properly identifying a set of related columns.

*Claim 3:*

Wisniewski discloses:

- displaying the first result on the display screen in the number field in which the mathematical formula was entered (the “first result” is displayed in field b6).

*Claim 4:*

Wisniewski discloses:

- wherein the displaying the second result on the display screen comprises displaying the second result in the first column (the “second result” is displayed in b10, which is in “first column” b).

*Claim 5:*

Wisniewski discloses:

- wherein the automatically calculating the subtotal comprises automatically applying the mathematical operators in the operation fields preceding the number



field in which the mathematical formula was entered to the numeric values in the number fields preceding the number field in which the mathematical formula was entered (the “mathematical operators” “preceding the number field in which the mathematical formula was entered” were automatically applied to the “preceding” numeric values in that the numbers in fields b2 and b3 were entered as positive numbers rather than negative numbers; the positive symbols, which are “mathematical operators,” are automatically applied in the mathematical formula in field b4).

*Claim 6:*

Wisniewski discloses:

- wherein the first column label is displayed atop the first column (the “first column label” JUN is atop first column b).

*Claim 7:*

Wisniewski, in view of Admission, discloses/teaches the method of Claim 1, further comprising:

- entering a first character string which is associated with one of the numeric values (see “first character string” in field a2); and
- displaying the first character string in a comment field adjacent to the numeric value (see Figure 5).

*Claim 9:*

Wisniewski, in view of Admission, discloses/teaches the method of Claim 1, further comprising:

- determining a first set of output character strings based on the numeric values (the “output character strings” are determined and then displayed in fields b2, b3, et al.); and
- displaying the first set of output character strings in the number fields.

*Claim 10:*

Wisniewski, in view of Admission, discloses/teaches the method of Claim 1, further comprising:

- displaying the mathematical formula and the first result of the mathematical formula in one of the number fields (see Figure 1 – as demonstrated in this figure, a typical spreadsheet displays both a “mathematical formula” and a “first result” in one “number field;” when the field is highlighted for editing, the formula is displayed, and when the field is not highlighted, the result is displayed).

*Claim 11:*

Wisniewski, in view of Admission, discloses/teaches the method of Claim 1, further comprising:

- entering an equality character after entering the mathematical formula (see Figure 1 – the “equality character” is “entered” “after entering the mathematical

formula” in that it becomes part of the spreadsheet when the user presses the <ENTER> button); and

- automatically displaying the first result in response to the entering the equality character (after the <ENTER> button is pressed, the “first result” is automatically displayed).

*Claim 12:*

Wisniewski discloses:

- wherein the first column label is displayed atop the first column (the “first column label” JUN is atop first column b).

Wisniewski fails to expressly disclose:

- wherein a first field label is displayed atop the plurality of number fields and below the first column label; and
- wherein a second field label is displayed atop the one or more operation fields, alongside the first field label, and below the first column label.

Admission teaches a method (see Figure 1 in Drawings; see Specification – Page 1, Line 15 through Page 2, Line 28), comprising:

- wherein a first field label is displayed atop a plurality of number fields (see Figure 1 – Admission teaches this limitation in that the label “Entry” is displayed atop the number fields); and

- wherein a second field label is displayed atop the one or more operation fields, alongside the first field label (see Figure 1 – Admission teaches this limitation in that the label “Op” is displayed atop the operation fields, alongside the first field label “Entry”),

for the purpose of clearly identifying into which column the user should enter numeric values and into which column the user should enter mathematical operators.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Wisniewski, to include a first field label that is displayed atop a plurality of number fields and a second field label that is displayed atop the one or more operation fields and alongside the first field label, for the purpose of clearly identifying into which column the user should enter numeric values and into which column the user should enter mathematical operators, as taught by Admission.

Admission also teaches a method (see Figures 1-3 in Drawings; see Specification – Page 1, Line 15 through Page 2, Line 28), comprising:

- a first field label displayed below a first column label (see Figure 3 – Admission teaches this limitation in that first field label 1Q is “displayed below” first column label “AMALGAMATED FRUIT INC. 1999 FISCAL DATA”); and
- a second field label displayed below the first column label (see Figure 3 – Admission teaches this limitation in that second field label 2Q is “displayed below” first column label “AMALGAMATED FRUIT INC. 1999 FISCAL DATA”),

for the purpose of properly identifying a set of related columns, as taught in Admission (see Figure 3).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Wisniewski, to include a first field label that is displayed below a first column label and a second field label that is displayed below the first column label, for the purpose of properly identifying a set of related columns, as taught by Admission.

*Claims 13, 15-19 and 21-24:*

Claims 13, 15-19 and 21-24 merely recite a computer system with standard components that perform the methods of Claims 1, 3-7 and 9-12, respectively. Thus, Claims 13, 15-19 and 21-24 are rejected as indicated in the above rejections for Claims 1, 3-7 and 9-12.

*Claims 25, 27-31 and 33-36:*

Claims 25, 27-31 and 33-36 merely recite computer software that performs the methods of Claims 1, 3-7 and 9-12, respectively. Thus, Claims 25, 27-31 and 33-36 are rejected as indicated in the above rejections for Claims 1, 3-7 and 9-12.

Claims 8, 20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wisniewski, in view of Admission, and further in view of Blattner, Patrick et al.,

Special Edition Using Microsoft Excel 2000, Chapter 6 – “Keeping Worksheets Legible”

(Que Publishing, 1999).

*Claim 8:*

As indicated in the above discussion, Wisniewski, in view of Admission, discloses/teaches every element of Claim 1.

Wisniewski, in view of Admission, fails to expressly disclose/teach a method:

- wherein the entering the numeric values comprises:
  - entering a first numeric value in a number field in an upper line;
  - automatically shifting an entry point to a number field in a lower line; and
  - entering a next numeric value in the number field in the lower line.

Blattner teaches a method, comprising:

- entering numeric values, wherein entering numeric values comprises:
  - entering a first numeric value in a number field in an upper line;
  - automatically shifting an entry point to a number field in a lower line; and
  - entering a next numeric value in the number field in the lower line (see Pages 6-8, “Rotating and Wrapping Text” – the spreadsheet allows entry of “numeric values” and text wrapping),

for the purpose of fitting all of the text into a particular column width.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed/taught in Wisniewski, in view of Admission, to include:

- entering numeric values, wherein entering numeric values comprises:
  - entering a first numeric value in a number field in an upper line;
  - automatically shifting an entry point to a number field in a lower line; and
  - entering a next numeric value in the number field in the lower line,

for the purpose of fitting all of the text into a particular column width, as taught by Blattner.

*Claim 20:*

Claim 20 merely recites a computer system with standard components that perform the method of Claim 8. Thus, Claim 20 is rejected as indicated in the above rejection for Claim 8.

*Claim 32:*

Claim 32 merely recites computer software that performs the method of Claim 8. Thus, Claim 32 is rejected as indicated in the above rejection for Claim 8.

***Response to Arguments***

Applicant's arguments filed 5 November 2004 and 3 January 2005 have been fully considered but they are not persuasive.

***Applicant's Terminal Disclaimer to obviate the Nonstatutory Double Patenting***

***Rejections:***

The Terminal Disclaimer filed on 3 January 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,742,162 has been reviewed and is NOT accepted because:

The disclaimer fee in accordance with 37 CFR 1.20(d) has not been submitted, nor is there any authorization in the application file to charge a specified Deposit Account or credit card.

***Arguments for Claim 1:***

Applicant argues that Wisniewski fails to disclose two types of fields being displayed alongside one another in the same column. Applicant also argues that Wisniewski fails to disclose a column label that substantially spans the combined width of two fields. See *Applicant's Response* dated 5 November 2004 – Page 14, second and third paragraph.

In view of the examiner's new grounds of rejection, these arguments are now moot.



*Arguments for Claim 11:*

Applicant argues that Wisniewski fails to disclose the limitations of Claim 11 because the “equality character” in Wisniewski is entered “before” or “with” the mathematical formula, not **after** the mathematical formula. See *Applicant’s Response* dated 5 November 2004 – Page 14, fourth paragraph through Page 15, first partial paragraph.

The examiner disagrees.

The relevant claim language reads as follows: “entering an equality character after entering the mathematical formula” (see Claim 11, Line 2). This language is very broad. “Entering a mathematical formula” may be interpreted to mean that the “formula” is “entered” as user types it into the document, whereas “entering an equality character” may be interpreted to mean that the mathematical calculation of the formula is performed once the formula is entered into the document through the user pressing the <ENTER> button. For example, in Figure 5 of Wisniewski, cells b4, b6, b9 and b10 each contain a mathematical formula that will result in a mathematical calculation. The formulas are “entered” by typing them into an entry box. However, the calculations will not be performed until the user “enters” the formulas into the document.

Moreover, although the examiner did not use the admitted prior art to teach this limitation, Admission teaches this limitation (see Figure 2 of the present invention).

*Arguments for Claim 12:*

Applicant argues that Wisniewski fails to disclose two field labels displayed alongside one another and below a single column label. See *Applicant's Response* dated 5 November 2004 – Page 15, first full paragraph.

In view of the examiner's new grounds of rejection, these arguments are now moot.

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2179


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (571) 272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

WDH

March 6, 2005

  
HEATHER R. HERNDON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100